

**APPROVED
MEETING SUMMARY**

**Agricultural Advisory Committee
Southwest Florida Water Management District
August 28, 2008**

The Agricultural Advisory Committee of the Southwest Florida Water Management District convened for a regular meeting at 1:34 p.m., August 28, 2008, at the Tampa Service Office, 7601 Highway 301 North, Tampa, Florida.

Committee Members Present

Cara Martin, Chair, FL Farm Bureau Federation
Mac Carraway, Vice Chair, FL Turfgrass Association
David Boozer, FL Tropical Fish Farms Association
Barbara Carlton, PRVCGA
Dale Lewis, FL Nursery, Growers and Landscape Assoc.
Jerry Mixon, FL Fruit and Vegetable Association
Patsy Nathe, FL Forestry Association
Greg Shiver, Tampa Bay Wholesale Growers
Jim Strickland, FL Cattlemen's Association
Allen Williford, FL Strawberry Growers Assoc.

Staff Members Present

Lou Kavouras, Facilitator
Eric DeHaven
Clark Hull
Joanne McClellan
Lois Sorensen
Ken Weber

Guest Speaker

Eric Shaw, DEP

Governing Board Member Present

Hugh Gramling

Recording Secretary

Teri Hudson

Approved minutes from previous meetings can be found on the District's Web site (www.WaterMatters.org)

The numbers preceding the items below correspond to the order of presentation.

1. Call to Order and Introductions

Chair Cara Martin called the meeting to order. She welcomed members, staff, and interested persons and asked for member introductions.

2. Additions and Deletions to the Agenda

Lou Kavouras, Deputy Executive Director, Outreach, Planning and Board Services, stated Item 10, *ERP Mitigation Rule Revisions and Fee Adjustments*, will be presented before Item 7, *Enhanced Water Conservation Measures for Water User Permitting*. Ken Weber will present Item 7 instead of Bobby Lue.

3. Approval of the May 29, 2008 Meeting Summary

The approval of the meeting summary was moved and seconded, and the motion carried unanimously.

4. Reclassification of Alafia River and Tampa Bypass Canal

Eric Shaw, Department of Environmental Protection (DEP), stated that DEP received a request from Tampa Bay Water for reclassification of the Alafia River and Tampa Bypass Canal with the intent to preserve and protect the water quality. The DEP can reclassify waters. Reclassification to a higher use does not happen very often; however, this may occur more often as we experience water shortages statewide. To request a reclassification, Mr. Shaw explained an agency is required to petition the Secretary of the DEP. He provided a general overview of the entire process. In reference to Tampa Bay Water, the petition is in review with public workshops planned and he will keep the committee apprised of activity. There was discussion among the committee members regarding why this petition was initiated by Tampa Bay Water because if after reclassification of these water bodies, the water becomes impaired, the perception would be that it is the landowner's responsibility to maintain water quality. Mr. Shaw explained the water quality today is fine, but this reclassification will provide protection in the future as this watershed develops. The public workshops that will be held will provide an opportunity for the stakeholders to bring their concerns to DEP.

5. Hydrologic Conditions/Drought Update

Lois Sorensen, Demand Management Coordinator, stated water restrictions have been extended and are currently set to expire September 30, 2008. Tropical Storm Fay was not as productive in our area; however, the District has received much needed rainfall. Groundwater levels are on the low end of the normal range. Surface water has not recovered and is still below normal. The District remains in a drought.

6. Year-Round Water Conservation Measures Rule Revisions and Statewide Consistency

Lois Sorensen said the goal of this rule is to have greater statewide consistency in year-round water conservation. A major interagency coordination effort was initiated among the three largest water management districts to consider the following: consistent days and times for watering; special winter schedule; and a cleaner definition of "one complete application" regarding lawn watering. The water management districts; however, have not been able to reach consistency to date on the topic of reclaimed water conservation. SWFWMD will focus on blends (supplementation); keep situation-specific allowances for blends; and clarify expectations for extra allowances, such as a specified 3-days-per-week schedule or provider-proposed alternative. The District will continue to collaborate with the other water management districts, receive input from the Advisory Committees, and plan to take this to the October Governing Board for consideration. There was discussion among the committee members regarding soil moisture sensors and the possibility of adding an allowance in this rule for use of these sensors.

10. ERP Mitigation Rule Revisions and Fee Adjustments

Clark Hull, Environmental Resource Permitting (ERP) Program Manager, said the Governing Board authorized initiation of rulemaking to amend Environmental Resource Permitting Rules 40D-4.091 and Basis of Review regarding mitigation for impacts to wetlands and other surface waters. On March 31, 2008, EPA and the U.S. Army Corps of Engineers issued revised regulations governing compensatory mitigation that includes: improved performance and success of compensatory mitigation projects; equivalent standards for all forms of mitigation; science-based and results-oriented standards; and watershed-based decision making. Staff will have discussions with ERP Advisory Groups, Governing Board Advisory Committees, and will schedule public workshops. Committee members asked to be notified of the workshops when scheduled.

Clark Hull said the Governing Board approved initiation of rulemaking to amend rule 40D-1.607 regarding permit fees. Senate Bill 1294 amends S.373.109, Florida Statutes which requires an increase in ERP fees and establishes new fees for certain activities. The Bill states "to ensure that such fees reflect, at a minimum, any upward adjustment in the Consumer Price Index or other similar inflation indicator, since the original fee was established or most recently revised." Mr. Hull stated staff will work with DEP and other Water Management Districts to establish a consistent basis for inflation adjustments to permit fees, discuss proposed fee revisions with ERP Advisory Groups and Governing Board Advisory Committees, hold public workshops, and return to the Governing Board in Fall 2008 for adoption of new permit fees. There was discussion among the committee members regarding the District's position in establishing the fee increases. Mr. Jim Strickland moved, with a second by Ms. Barbara Carlton, that the CPI adjustment should begin with the 1994 change from MSSW to the ERP program in order to keep fee increases to a minimum. Motion carried unanimously. Mr. Gramling reminded the Committee that these fee increases are not a District initiative but rather a legislative mandate.

7. Enhanced Water Conservation Measures for Water Use Permitting

Ken Weber, Water Use Program Director, stated the language for this rule is not yet completed. Mr. Weber provided background information on this rule and stated the Governing Board directed staff to address water use efficiency concerns in the northern portions of the District and enhance public supply conservation Districtwide. The SWUCA conservation strategies will be expanded to the northern District. The next steps are to complete the draft rules, schedule a workshop for September/October 2008, and seek Board Approval in October 2008. Committee members asked to be notified of the workshop when scheduled.

8. 20-Year Water Use Permit Rulemaking

Ken Weber presented draft proposed rules regarding 20-year water use permits. Staff is proposing that a 20-year permit would be issued for (1) small general permits under 100,000 gpd, (2) applicants that show exceptional implementation of Alternative Water Supplies (AWS) and conservation, (3) applicants that provide assistance in developing water to meet an MFL that otherwise would not be met, and (4) applicants that provide a significant quantity of AWS that offsets the withdrawal of groundwater. Should a 20-year permit be issued, a five year compliance report would be required to provide continuing, reasonable assurances that conditions for issuance are met. These conditions include the water demand; impacts to environmental

features or existing legal users, water quality, water conservation, and alternative water sources development. The next steps are to discuss with the advisory groups and hold rule workshops, with the intent to bring this item back to the Governing Board this winter. The Committee raised concern about recommendations that limit the percentage of sod allowed in landscapes. It was stated that industry groups are in the process of forming a consensus on the percentage of the sod issue which they consider arbitrary and not based on research. Committee members also expressed concern about encouraging or requiring the use of alternative water supplies relative to food safety issues. Mac Carraway shared his experience in obtaining a St. Johns River Water Management District 20-year permit and indicated it seemed less restrictive.

9. Facilitating Agricultural Resource Management Systems (FARMS) Program Rule Update

Eric DeHaven, Resource Conservation and Data Director, said FARMS is a best management practice cost-share reimbursement program for agricultural projects. Mr. DeHaven stated the goal of this program is to provide 40 mgd of groundwater offset by the year 2025. The FARMS rulemaking was recommended in July 2006 by the Florida Legislature: Joint Administrative Procedures Committee (JAPC). The Governing Board approved initiation of this rulemaking at its October 2006 meeting. Incorporated into the rule will be the purpose of the Program, the criteria for projects including cost share rates, and the application process. Mr. DeHaven stated this rule will potentially expand this program to include greater conservation elements for any water source, allow greater consideration for those projects targeting natural system or water quality improvement, and include new agricultural operations. The expectation is for the rule to take effect early in 2009 once Board approved. Mr. DeHaven said there should be no noticeable impact to program participants. Committee members thanked staff for their efforts in this program.

11. Other Rulemaking

Ms. Kavouras stated the final amendments to expand the SWUCA Per Capita requirements Districtwide was approved by the Governing Board at their August meeting.

12. FY2009 AAC Meetings

The FY2009 AAC meetings are for 1:00 p.m. in the District's Tampa Service Office on November 20, 2008, February 26, 2009, May 28, 2009, and August 27, 2009.

13. Development of Agenda Topics for the November 20, 2008 Meeting

- Rulemaking Updates
- Third Party Audits
- Regional Water Supply Plan
- Annual Demand Projections
- Water Star Program
- FEMA Map Modernization

14. Announcements and Other Business

Ms. Kavouras asked members to participate in a survey regarding the Agricultural Web Portal by going to www.swfwmd.state.fl.us/survey/. The survey will help staff develop a portal that will be helpful to the industry.

15. Adjournment

There being no further discussions, the meeting was adjourned at 3:55 p.m.